

2013 Montana House of Representatives  
House Education Committee Meeting  
January 25, 2013

Testimony on House Bill 183

Scientific objections

- Critical thinking is a way of deciding whether a claim is true or false. Let's think critically about House Bill 183.
- This bill states "the scientific community is not in agreement" about the scientific theory of evolution, but that is false. The truth is there is no serious *scientific* doubt that evolution occurred or that natural selection is a major mechanism in its occurrence.<sup>i</sup> The truth is this may be a political controversy, but it is **NOT a scientific controversy.**
- This bill's true intent, clearly indicated by Representative Fiscus' bill drafting request<sup>ii</sup> and notes,<sup>iii</sup> is to teach creationism and intelligent design in public schools. The bill drafting request states "require public schools to teach intelligent design along with evolution" and his notes during the editing process say "ADD Creationism and Intelligent Design."
- The U.S. Supreme Court<sup>iv</sup> and Federal Courts<sup>v</sup> identify creationism and intelligent design as **theological, not scientific arguments.** Teaching them in public school is not only prohibited as a violation of the U.S. Constitution's Establishment Clause,<sup>vi</sup> but it **undermines the quality of education** for our students and therefore impacts future employment success.

Competitiveness concerns

- Our state and our country's competitiveness are best served by a well-educated workforce. This bill's intent regarding science, and in particular evolutionary theory, is at odds with national science organizations including the American Association for the Advancement of Science, the National Science Teachers Association, the National Center for Science Education, and the U.S. National Academy of Sciences.

- For our state as a whole, the passage or promotion of this bill can only serve to harm Montana's economic impact and blunt our cultural impact. This bill sends a signal that **Montana does not wish to move our economy forward.**

#### Legislative overreach

- Through this bill the legislature would overstep its bounds in violation of the Montana Constitution. Article X, sec. 9(3) **prohibits the legislature from prescribing curriculum** as interfering with the authority of the Board of Public Education. This bill directly violates this prohibition in section 3 when it *"requires"* the non-science recommendations be included in the basic instructional program. In the "Sherlock" decision, the District Court struck down a similar attempt by the Legislature to proscribe curriculum.<sup>vii</sup> **Passage of this bill will certainly bring about litigation, the financial burden of which is on Montana taxpayers.**
- Protect the education of Montana's children and the economic future of our great state. Defend the Constitution of Montana and the Constitution of the United States. If House Bill 183 comes up for executive action by this Committee, I strongly urge Committee Members to **VOTE NO.**

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<sup>i</sup> Pew Research Center, "Scientific Achievements Less Prominent Than a Decade Ago," July 9, 2009, 97% of scientists agree on evolution.

<sup>ii</sup> Bill Drafting Request (attached)

<sup>iii</sup> Notes from Rep Fiscus 11/16 (attached)

<sup>iv</sup> Edwards v. Aguillard, 482 U.S. 578 (1987)

<sup>v</sup> Kitzmiller v. Dover Areas School Dist. 400 F. Supp. 2d 707 (M.D. Pa 2005)

<sup>vi</sup> Kitzmiller v. Dover Areas School Dist. 400 F. Supp. 2d 707 (M.D. Pa 2005)

<sup>vii</sup> Montana Board of Public Education v. Montana Administrative Code Committee (Cause No. BDV-91-1072)(March 1992)

## Bill Drafting Request

Montana Legislative Services Division  
Room 110 — State Capitol  
Helena MT 59620-1706  
(406) 444-3064  
FAX: (406) 444-3036  
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For Legislative Services Division Use Only:

Date of Request

11/5

Requester

Fiscus

(Please Print)

### Description of Request

(Please be specific)

Require Public Schools to teach  
Intelligent design along with  
evolution

Place request on HOLD ☐

Authority to contact anyone felt necessary

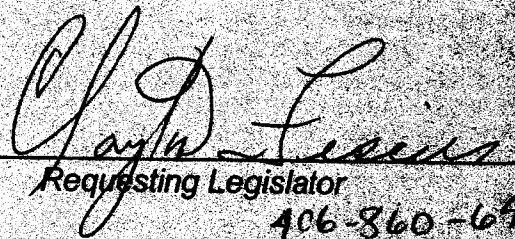
YES

NO

Contact Person(s):

Name(s)

Phone(s)

  
Requesting Legislator

406-860-6400

Requesting Agency

Notes from  
Rep FISCUS  
11/16

## ADD Creation and Intelligent Design

Whereas evolution is only  
a theory

Whereas the evidence to the  
theory is only a Point of  
Discussion & without Facts & ~~Evidence~~  
~~AND~~ ~~Whereas All Life Comes From~~  
~~Water~~ Scientific ~~Fact~~ evidence.

IT is necessary to add  
Creation and Intelligent Design  
To The Discussion of life  
Possibility:

add:

"Creation through intelligent design"